

REMARKS/ARGUMENTS

Claims 1-44 were pending in the present application. The present response cancels claims 1-44, and adds new claims 45-65, leaving pending in the application claims 45-65. In accordance with the accompanying Request for Continued Examination and Petition for Extension of Time, consideration of the newly presented claims is respectfully requested.

I. Rejection under 35 U.S.C. §103

Claims 1-44 are rejected under 35 U.S.C. §103(a) as being obvious over *Toprac* (US 6,304,999) and the acknowledged prior art in view of *Sato* (US 5,766,360) and *Sun* (US 5,940,175). Claims 1-44 have been canceled from the present application, such that the rejection is now moot. The cancellation of these claims and presentation of new claims is not intended as acquiescence to the rejection, and Applicants reserve the right to present these claims in a continuation case.

II. Newly Presented Claims

Claims 45-65 have been added to cover different aspects of the present invention. In particular, the newly presented claims emphasize the fact that Applicants were able to integrate an optical measurement system including a scatterometer into an existing wafer processing tool, sized to fit within one of the slots of the tool and accessible to a wafer handler for the tool. The optical measurement system can inspect a wafer after any step in the process and alter the way in which the wafer was processed, such as by sending a wafer back to a station for further processing, changing processing parameters for downstream processing, or changing the process flow (skipping processing steps, etc.). This can be done without losing the precision of a stand-alone scatterometry-based measurement system. Such a device is not taught or suggested in any of the cited references, and would not be obvious in light of those references. These claims are supported by the specification and do not add new matter. Applicants therefore respectfully request consideration of newly presented claims 45-65.

III. Conclusion

In view of the above, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the pending claims and a notice of allowance is respectfully requested.

The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 50-1703, under Order No. TTI-31000. **A duplicate copy of the transmittal cover sheet attached to this Response to Office Action Mailed March 9, 2005, is provided herewith.**

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: August 31, 2005

By: 

Jason D. Lohr
Reg. No. 48,163

Attorneys for Applicant(s)